

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5366 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Nos. 1 to 5 No.

MANJULABEN KESHAVLAL PARMAR

Versus

GOVERNMENT OF INDIA

Appearance:

MR KV GADHIA for Petitioner
MR.KD GANDHI FOR NANAVATI ASSOCIATES for Respondent No. 3
No one appears on behalf of Respondents No.1 and 2.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 27/08/97

ORAL JUDGEMENT

This Special Civil Application is directed against the order dated 30.6.1997 passed by the Ministry of Labour, Government of India, New Delhi whereby the reference has been refused. Mr.B.T.Rao appearing on behalf of the Government of India had already stated on 24.7.1997 before this Court as has been recorded in the order sheet that the matter may be remanded back to the Central Government for reconsideration. Mr.Patel has

opposed this petition and has also filed affidavit in reply. I have heard the learned Counsel and I have also gone through the pleadings and affidavit in reply. I have also gone through the impugned order dated 30.6.1997. It appears from the impugned order dated 30.6.1997 itself that the very vital question which goes to the merits of the case has been decided while considering the question of making reference. The authority was not at all competent to appreciate the merits of the case while considering the question of reference. The impugned order dated 30.6.1997 therefore deserves to be set aside on this ground alone. Accordingly the order dated 30.6.1997 passed by the Ministry of Labour, Government of India, New Delhi refusing the reference in the case of Smt. Manjulaben Keshavlal Parmar is hereby quashed and set aside and the matter is remanded back to the Ministry of Labour, Government of India for reconsideration and for passing the orders afresh in accordance with law preferably within a period of four weeks. This Special Civil Application is accordingly allowed and the rule is made absolute. No order as to costs.

m.m.bhatt